

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOINT STATUS REPORT

Pursuant to Local Rule 116.5(C), the parties are hereby jointly filing the following Status Report prepared in connection with the Final Status Conference scheduled for March 1, 2005.

1. Outstanding Discovery Issues

On January 18, 2005, the defendant served the government with a discovery letter to which the government has responded. There are no other discovery issues.

2. Additional Discovery

No party anticipates producing any additional discovery, other than that required by the rules 21 days before trial.

3. Insanity/ Public Authority Defenses

The defendant does not intend to raise a defense of insanity or public authority.

4. Notice of Alibi

The government requested a Notice of Alibi in its Automatic Discovery Letter. No response has been received to that request.

5. Motions

The defendant does not anticipate filing any motions to suppress, to sever or to dismiss prior to trial but is reserving his right to file other pretrial motions that could require a ruling by the District Court.

6. Scheduling

The defendant is in the process of attempting to vacate prior state court convictions. The defendant requests an additional thirty days before the case is reported to the district court. The government assents to this request. The parties agree that this time is excludable from Speedy Trial Act calculations pursuant to 18 U.S.C. § 3161(h)(8).

7. Early Case Resolution

It is too early to tell whether this case can be resolved short of trial.

8. Speedy Trial Act

The parties have conferred on the periods excludable from all Speedy Trial Act calculations and believe that the following periods are excludable from 11/15/04 (the date of arraignment):

11/15/04-12/13/04 Per Order dated 1/4/05

12/21/04-1/27/05 Per Order dated 1/4/05

1/27/05-3/1/05 Motion to exclude pending

As of March 1, 2005, 7 days will have been counted and 65 days will remain under the Speedy Trial Act.

9. Length of Trial

In the event that a trial is required, the parties estimate that it will last approximately 3-5 days.

Respectfully submitted,

MICHAEL J. SULLIVAN

United States Attorney,

By: /s/ PETER K. LEVITT
PETER K. LEVITT
Assistant U.S. Attorney
One Courthouse Way
Boston, MA
(617) 748-3355

COUNSEL FOR EDWIN SERRANO

/S/ ROGER WITKIN
ROGER WITKIN
6 Beacon Street
Boston, MA 02108
617-523-0027

DATED: January 31, 2005